

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 2001

DIVISION ONE

B142594 People (Not for Publication)

V.
Sergio P.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B141014 Goshen Townhomes (Not for Publication)

Homeowners Association, et al.
v.
Pilot Catastrophe Services, Inc., et al.

The judgment is affirmed. The motion for sanctions is denied. Pilot is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B142770 Cabinda LLC (Not for Publication)
v.
Santa Monica Rent Control Board

The judgment is affirmed. The Board is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B141371 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Armando W.

The trial court's jurisdictional findings under counts b-4, d-1 and j-1 of the petition that appellant sexually abused Markisha C., thereby placing Alexander W. at risk of similar abuse, are reversed. The trial court's dispositional order of May 11, 2000 is reversed to the extent it declares Alexander W. a dependent child of the court pursuant to section 300, subdivisions (d) and (j), and orders Alexander W.'s removal from appellant's custody. The matter is remanded for a new dispositional hearing as to Alexander W. consistent with the views expressed in this opinion.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B139868 Larson (Not for Publication)
v.
Williams et al.

We affirm the order. Respondent Williams is entitled to costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B143731 Los Angeles County, D.C.F.S. (Not for Publication)
B146249 v.
Lynnette C.
In re Lynnette C.

The petition is granted, and a writ shall issue directing the dependency court (1) to vacate its findings and order of June 22, 2000 (and, if necessary, any orders thereafter made with regard to Lynnette's rights vis-à-vis her children), and (2) to conduct a new hearing at which Lynnette is represented by competent counsel. The appeal is dismissed.

Vogel (Miriam A.), J.

I concur: Spencer, P.J.
I concur in judgment only: Mallano, J.

B142511 Weisman (Not for Publication)
v.
Shulman et al.

We affirm the order taxing costs. We reverse the order denying attorney fees. On remand, the trial court shall calculate a reasonable attorney fee award under the purchase agreement's attorney fee clause, based on plaintiff's status as the prevailing party. The trial court shall also award plaintiff her costs and reasonable attorney fees on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B137677 Lomes
v.
Hartford Financial Services Group, Inc., et al.

Filed order certifying opinion for publication.

DIVISION TWO

111730-01

The HONORABLE THOMAS I. McKNEW, JR. , Judge of the Los Angeles Municipal Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two, as a Justice thereof, on the following dates:

April 1, 2001 to June 30, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 29, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B132502 Jun (Certified for Publication)
v.
Myers

The order denying the motion to sue and the order denying the motion to intervene are reversed. The matter is remanded to the trial court to determine whether to permit an independent action by Jun or require him to intervene in the underlying action. Jun is awarded his costs on appeal.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B139141 Simpson et al. (Not for Publication)
 v.
 Inglewood Redevelopment Agency et al.

The judgment is affirmed. Costs to respondents.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B140827 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Glen O.

The order denying reunification services to appellant is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B143792 People (Not for Publication)
 v.
 Hernandez

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Todd, J.

March 29, 2001-Continued

DIVISION TWO (Continued)

B143440 People (Not for Publication)
v.
Shahin S.

The order under review is reversed and the matter is remanded for proceedings under former section 777 consistent with the views herein expressed. In all other respects, the order continuing wardship is affirmed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

B139491 People (Not for Publication)
v.
MacMurray

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B147315 Carey C. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Nott, Acting P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION TWO (Continued)

B145660 Patricia Spicer Carden (Not for Publication)

v.

Superior Court, Los Angeles County
(Elma, Inc., et al., r.p.i.)

The alternative writ is discharged and the stay is dissolved. Let a peremptory writ of mandate issue directing the superior court to set aside and vacate its order of October 26, 2000, denying petitioner Carden's motion to quash service of summons, and to enter a new order granting the motion to quash. Petitioner to recover its costs of this petition.

Todd, J.

We concur: Boren, P.J.
Nott, J.

B140325 People (Not for Publication)

v.

Kevin C. Heschong

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
Cooper, J.

B131896 People (Not for Publication)

v.

Travis Bone

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
Todd, J.

DIVISION THREE

B099635 Lucas LLC, et al. (Not for Publication)
 v.
 Spielman et al.

The appeal is dismissed as moot. Respondents shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FIVE

B145789 General Electric Capital Auto Financial Services (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Nathan Harris, r.p.i.)

Petition for writ of mandate is granted. A peremptory writ shall issue directing the clerk of the appellate division of the superior court to accept for filing petition's petition for writ of mandate challenging the small claims division's September 20, 2000 order granting real party's motion to compel discovery. The parties are to bear their own costs.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

March 29, 2001-Continued

DIVISION FIVE (Continued)

B139603 People (Not for Publication)
v.
Donaldo Chinchilla

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

111731-01

The HONORABLE Thomas Lyle Willhite, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a Justice thereof, on the following dates:

April 1, 2001 to June 30, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: March 20, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION SIX

B140015 Brown (Not for Publication)

v.

Dan Mateko Concrete

Gonzalez

The judgment against Esquivel stands. The summary judgment in favor of Mateko is reversed, as is the demurrer sustained in favor of Gonzalez. The order granting nonsuit in favor of Gonzalez is also reversed. Brown's action against Mateko and Gonzalez is remanded to the trial court for further proceedings consistent with this opinion. The appeal by Gonzalez is dismissed as untimely. Costs are awarded to Brown.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B145225 People (Not for Publication)

v.

Ryan

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B137178 People (Not for Publication)

v.

Eubank

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Yegan, J.

March 29, 2001-Continued

DIVISION SIX (Continued)

B141987 People (Not for Publication)
v.
Petersen

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SEVEN

B134484 People
v.
Juan R., a minor

Filed order granting petition for rehearing.

B129219 Prize Frize, Inc.
v.
Angel and Neistat

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)